



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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Memorandum

TO: Transit Finance Working Group

DATE: November 14, 2012

FR: Anne Richman

RE: Transit Operator Cooperative Planning Agreements

As you may be aware, MTC has Cooperative Planning Agreements with Bay Area transit operators. Most of these agreements date back to 2003. The agreements were required by previous federal transportation authorizations and are typically reviewed during the FTA triennial audits. An example of the current agreement is attached.

The new transportation authorization, MAP-21, continues to require cooperative planning between MPOs and transit operators on a number of topics including some new ones such as performance monitoring and transit asset management. Therefore, MTC staff is proposing to update the agreements to reflect new MAP-21 requirements as well as changes in the region that have occurred since the last agreements.

Some other updates that may be reflected are: updates in funding sources and processes, updates to the MTC Partnership structure, updates to public participation requirements, updates related to the Transit Sustainability Project and Transit Coordination, and newer planning efforts such as the Coordinated Human-Services Public Transportation Plan and transit demographic surveys.

There will be one agreement template for all operators, as was the case with the 2003 agreements. The new agreement will be circulated when available, planned for later this year. Please contact me at arichman@mtc.ca.gov or 510-817-5722 if you have any questions.

Attachment: Example of Current Cooperative Agreement

COOPERATIVE AGREEMENT
Between METROPOLITAN TRANSPORTATION COMMISSION
And the TRANSIT OPERATOR
FOR URBAN TRANSPORTATION PLANNING PROCEDURES

This agreement is entered into this 15th day of February 2003, by and between the Metropolitan Transportation Commission (hereinafter "MTC") and the Transit Operator (hereinafter "Operator"), a publicly owned operator of mass transportation services. The purpose of this agreement is to specify cooperative procedures for carrying out transportation planning and programming in the San Francisco Bay Region in compliance with federal planning regulations (23 CFR 450, Subpart C) and in conformance with the Regional Transportation Plan of MTC. This Agreement is intended to make explicit and expand upon existing cooperating planning and programming procedures and activities, and to establish new or expanded cooperative procedures where necessary in order to meet federal requirements for a continuing, cooperative and comprehensive urban transportation planning process.

I. Planning Responsibilities of MTC

MTC is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code 66500 *et seq.*, and provides comprehensive regional transportation planning for the region comprising the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma. MTC maintains and biennially updates the Regional Transportation Plan, which contains an estimate of regional transportation needs for the ensuing twenty-five years. The plan contains improvement proposals for each segment of the system, including mass transit, and a financial plan that identifies the amount and sources of revenues necessary and available to develop and operate that segment. MTC pays particular attention to the interfacing of various modes of transportation.

In accordance with federal regulations, the Governor of the State of California has designated MTC as the Metropolitan Planning Organization for the San Francisco Bay Region's urbanized areas. Under this designation MTC, in cooperation with the State of California and publicly owned operators of mass transportation services, is responsible for carrying out the urban transportation planning process specified in federal regulations (23 CFR Sections 450, Subpart C). That process includes the development of a Unified Planning Work Program, a Regional Transportation Plan and a Transportation Improvement Program.

II. Cooperative Transportation Planning and Programming Procedures

In order to cooperatively develop the Unified Planning Work Program, the Regional Transportation Plan, and the Transportation Improvement Program, the following cooperative procedures have been established:

A. Unified Planning Work Program

MTC's Unified Planning Work Program (UPWP) is a component of the annual Overall Work Program (OWP) prepared jointly by MTC, ABAG, and Caltrans. The UPWP describes all transportation and transportation related planning activities anticipated in the MTC region during the fiscal year, including the work to be performed by the federally-funded transit operators with assistance provided by MTC from funds received by MTC pursuant to the Federal Transit Act. The cooperative procedures for developing the UPWP consist of the following:

- Annually, Intermodal Planning Group (IPG) reviews the draft OWP (and UPWP). The IPG consists of representatives of MTC, ABAG, Caltrans, and the federal modal administrations including FTA, FHWA, Coast Guard, Federal Aviation Administration, EPA, and the Maritime Administration. Various agencies are invited to attend this review, including the Bay Area transit operators, the Congestion Management Agencies, and the Bay Area Air Quality Management District.
- Each operator shall prepare and at least biennially update a Short Range Transit Plan (SRTP). The SRTP shall describe the existing system, assess system performance, determine deficiencies, evaluate proposed improvements to address deficiencies, and recommend a service plan and the capital improvement program needed to carry out the service plan. The SRTP shall also include a financial plan identifying the amounts and sources of revenue needed for implementing the service and capital program.
- From time to time a transit operator may also conduct other specialized transportation planning studies funded with federal planning assistance. If such funding is available, and if MTC determines that the proposed study supports the transportation planning objectives set forth in the OWP, the work scope and budget of the study will be included in the UPWP.

B. Regional Transportation Plan

Federal Regulations require the development of a long-range transportation plan (the Regional Transportation Plan of MTC). The cooperative procedures for operator participation in the development and updating of the RTP include:

- Submission of operating costs and revenues and capital replacement and expansion costs and revenues via the MTC Finance Plan.
- Working cooperatively with the Bay Area Partnership, including review and comment on RTP working papers and the draft RTP document.

C. Transportation Improvement Program (TIP)

The Transportation Improvement Program (TIP) is a multi-year program of projects proposed for federal transportation funding, including flexible Federal Highway Act funds and Federal Transit Act formula funds. A TIP is developed and submitted to the appropriate federal agencies every

two years. In general, transit operators shall submit to MTC, at the times and in the manner prescribed by MTC, transportation projects deemed regionally significant, whether or not the projects are to be funded with federal or non-federal funds. This activity includes the identification of projects significantly underway and projects with all funding obligated or in an approved FTA grant. Specific cooperative procedures for operator input to development of the TIP include:

- Transit Capital Priorities (TCP) process: This MTC process programs FTA formula funds in the large federal Urbanized Areas and coordinates the programming of such funds in the small federal Urbanized Areas with the state Department of Transportation. Operators submit transit capital project proposals to MTC at the times and in the manner prescribed by MTC. Projects are scored and programmed by MTC staff in accordance with criteria and procedures adopted by the Commission. The TCP, and the resulting programming of TCP capital projects in the TIP, are reviewed by the Partnership's Joint Finance Working Group. The Joint Finance Working Group presents the findings of its review to the Partnership Technical Advisory Committee (PTAC). The PTAC review of the TCP/TIP is conveyed to MTC's Programming and Allocations Committee and the full Commission prior to action being on the TCP and TIP. Each transit operator is responsible for appointing a representative to staff the Joint Finance Working Group.
- Surface Transportation Program and Congestion Mitigation and Air Quality Program (STP/CMAQ) process: Eligible transit projects may also be programmed in the TIP to receive federal STP/CMAQ funds in accordance with procedures and criteria adopted by MTC. Transit operators submit transit capital project proposals to MTC or the appropriate County Congestion Management Agencies (CMA) at the times and in the manner prescribed by MTC. The Partnership Technical Advisory Committee (PTAC) reviews the programming policies of STP/CMAQ funds in the TIP prior to action being taken by MTC's Programming and Allocations Committee and the full Commission. The PTAC Working Group is notified of all TIP amendments.

Other cooperative transportation planning activities: Transit operators shall also participate in the cooperative transportation planning activities described below:

- Air Quality Conformity Task Force: The Air Quality Conformity Task Force acts as a consultation body to the Bay Area Partnership, providing input in making air quality conformity determinations of plans, programs and projects. Transit operator staff involved in conformity issues for their respective agencies will participate in the Task Force and work directly with MTC in providing and reviewing detailed technical programming information and in the implementation of Transportation Control Measures (TCM) in a timely fashion.
- State Transportation Improvement Program (STIP) process: Eligible transit projects may also be programmed in the STIP to receive state-administered federal STP funds in accordance with procedures and criteria adopted by the California Transportation Commission (CTC) and MTC. Transit operators may submit transit capital project proposals to the appropriate CMA or countywide transportation agency in the manner prescribed by MTC and CMA

guidance for programming projects in the Regional Transportation Improvement Program (RTIP). Each CMA is responsible for soliciting projects for its county share of the RTIP and must notify all eligible project sponsors within their jurisdiction of the process and deadline for applying for RTIP funding. Transit projects are programmed in the STIP in accordance with the restrictions imposed by Article XIX of the California Constitution, and the timely use of funds requirements imposed under Chapter 622, Statutes 1997 (Senate Bill 45).

III. Amendment of Agreement

Nothing in this agreement shall be interpreted as restricting or diminishing those cooperative procedures and activities that presently exist between the MTC and the publicly owned operators of mass transportation services. Minor adjustments of the cooperative procedures established herein shall be accomplished informally by mutual consent between the MTC and the operator(s). Major changes to the cooperative procedures established herein shall be accomplished by written amendment to this agreement.

METROPOLITAN TRANSPORTATION
COMMISSION

TRANSIT OPERATOR

Steve Heminger, Executive Director

General Manager